

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of MELISSA N. BARNETT and
MARTHA ANN BARNETT, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

HENRY BROWNLEE,

Respondent-Appellant,

and

SHARON DENISE BARNETT,

Respondent.

UNPUBLISHED

October 12, 1999

No. 215767

Wayne Circuit Court

Family Division

LC No. 84-243662

Before: Griffin, P.J., and Zahra and S.L. Pavlich*, JJ.

MEMORANDUM.

Respondent-appellant Henry Brownlee ("respondent") appeals as of right from a family court order terminating his parental rights to the minor children under MCL 712A.19b(3)(a)(ii), (c)(i), (g) and (j); MSA 27.3178(598.19b)(3)(a)(ii), (c)(i), (g) and (j). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

The family court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Further, respondent failed to show that termination of his parental rights was clearly not in the children's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Hall-*

* Circuit judge, sitting on the Court of Appeals by assignment.

Smith, 222 Mich App 470, 472-473; 564 NW2d 156 (1997). Therefore, the court did not err in terminating respondent's parental rights to the children. *Id.*

We reject respondent's claim that termination was improper because he was not personally served with notice of the termination proceedings. The record indicates that respondent had not had contact with the agency or the children and their family for almost four years and was last thought to be living somewhere in Mississippi. The court found that personal service was impractical or could not be achieved because respondent's whereabouts were unknown. On these facts, we find no error in the trial court's determination that reasonable efforts were made to locate respondent and that service by publication was appropriate. MCR 5.920(B)(4)(c), MCR 5.974(C).

Affirmed.

/s/ Richard Allen Griffin

/s/ Brian K. Zahra

/s/ Scott L. Pavlich